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THE TRIAL OF GENERAL MIHAILOVICH

By Constantin Fotitch

The trial of General Draja Mihailovich before a military court in Belgrade began on June 10 under puzzling circumstances. After having been hailed as a hero of the Resistance Movement, and listed as one of the three greatest Allied leaders in 1942 by a well-known and widely circulated American magazine, Mihailovich is today facing charges of treason and collaboration. He is ranked by his accusers as a greater war criminal than the Nazis on trial at Nuremberg.

Mihailovich was proclaimed guilty even before the opening of the trial, when the Tito Government, in an official note to the State Department, asserted that his crimes "are too great and terrible for any discussions to take place in connection with his innocence or guilt". Moreover, on May 11, 1945, Dr. Ivan Subasitch, then Foreign Minister in Tito's Government, issued a statement to the press that: "Mihailovich will be shot. The evidence against him already at hand is sufficient to call for a death sentence."

The trial is being conducted before a military court presided over by a Lt. Col. Mihaylo Georgevich and two associate military judges. The same court sentenced to death several of Mihailovich's aides previously captured. They were denied benefit of counsel. Mihailovich has legal assistance, though whether it is unrestricted is questionable.

Many Americans no doubt believe that the court which is trying Mihailovich is an independent judicial body, and as such will pass sentence impartially and in conformity with law. This is the way it should be, as a consequence of the obligations and commitments made by Tito at Yalta -- on the basis of which his Government received recognition by the United States. One of these commitments stated that: "The organization of the judicial system imbued with a democratic spirit is to be one of the first tasks of the [Tito] government."

But President Georgevich of the Belgrade military court and his two associates can offer no assurance that they will not be influenced by the Government in their decisions. It appears that all three were young officers in the Partisan Army and members of the Communist

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Party. One is reminded of the trial in Alice in Wonderland: "I'll be judge, I'll be jury", said cunning old Fury: "I'll try the whole cause, and condemn you to death."

II

The United States Government has made repeated attempts to send as witnesses to Mihailovich's trial those American officers and airmen who were either officially attached to his headquarters during the war, or were rescued by his troops when forced to bail out over his territory. Without prejudicing Mihailovich's innocence or guilt, the Department of State considered that these Americans "possess first-hand evidence which cannot but have a bearing on enemy collaboration which the Yugoslav authorities have indicated they will bring against Mihailovich." The United States Government considered that the hearing at the trial of such material witnesses would be "in the interest of justice", and urged that arrangements be made for them to testify.

When Tito refused to accede to this request, on the startling contention that Mihailovich's crimes are "far too great and terrible" to be even discussed, the Department of State intervened a second time, with even less success. On May 25, Tito's Foreign Minister declared that: "The Yugoslav government is going to ignore the note of the American government", adding that further correspondence on the matter would amount to "intervention in Yugoslav domestic affairs".

The testimony of many of these American officers and airmen was taken recently by a Commission of Inquiry in New York, under the sponsorship of the Committee for a Fair Trial for Draja Mihailovich. This inquiry was conducted by Arthur Garfield Hays, of the Civil Liberties Union, assisted by other prominent New York lawyers. In these depositions, taken under oath and in conformity with the principles of justice, not a dissenting voice is raised. Every witness testified that he had seen no traces of Mihailovich's collaboration with the enemy, but had observed on many occasions his fight against the Germans.

Similar statements, under oath, were given by British officers attached to General Mihailovich's forces during the war. A deposition, signed by Brig. Gen. C. D. Armstrong and other officers, gives the facts of General Mihailovich's activities personally known to them. These British officers volunteered to testify as witnesses at the trial, and enumerated ten major operations in which to their personal knowledge Mihailovich's forces engaged the enemy in 1943 and 1944.

Such testimony, where witnesses can speak freely and impartially; without intimidation by the dreaded police organization -- OZNA; and

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without fear of reprisals against their families, is foreign to the character of Tito's drumhead court. Moreover, unprejudiced testimony would bring to light the true picture of the process which Tito's regime is conducting against a man considered its most dangerous enemy because he is a symbol for the Serbian people of their resistance to any form of dictatorship. The Belgrade Court prefers to concentrate on Axis exploitation of conditions of civil strife which prevailed in Yugoslavia during the German occupation -- and which still prevail.

III

By this trial Tito is pursuing two objectives: first, to degrade and humiliate Mihailovich before his own people and the public opinion of the world; second, and even more important, to "unveil" the alleged intrigues and imperialistic policies of Great Britain and the United States against the Soviet Union. Thus there are no restrictions on reporting the trial, now that its prejudiced character has been assured.

In the act of accusation against Mihailovich, the public prosecutor (another member of the Communist Party) charged the General with having received supplies and ammunition from the British and Americans, not for the purpose of fighting the Germans but in order to suppress Communism in Yugoslavia. This accusation could easily be refuted before a free court, for it is well-known that Tito, not Mihailovich, received abundant supplies both from the British and the Americans in 1943 and 1944. Moreover, the moral support which Prime Minister Churchill lavishly extended to Tito contributed largely to undermining Mihailovich's authority with the Allies and among his subordinates.

Today, as a strange gesture of gratitude, Tito accuses those very Governments without whose help he would not today be the despot of Yugoslavia. By these accusations he seeks to discredit Great Britain and the United States in the eyes of the Yugoslav people. Tito has even accused Col. Robert McDowell, the last head of an American Mission with Mihailovich, of having encouraged the latter's alleged collaboration with the Germans by sponsoring and attending meetings between Mihailovich and the representatives of the German High Command in the Balkans.

Col. McDowell, in a statement issued to the press on June 10, pointed out that those meetings took place to receive the German offer of capitulation of all their forces on the Balkan Front. Although Tito was officially informed of the nature of these negotiations a year ago, his public prosecutor nevertheless repeats slanderous accusations aimed first at General Mihailovich and through him at the Government of the United States. Simultaneously, the British liaison officer is accused

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of having been mainly concerned with urging Mihailovich to carry on a fight against the Communists and not against the Germans.

IV

In spite of all these deceptions, the people of Yugoslavia still look toward the Western Democracies, hoping that with their help a restoration of freedom, and a true democracy, will prevail in Yugoslavia. After 18 months of Tito's tyranny, and full experience of Communist methods, the faith of the Yugoslav people in the Western Democracies is still unshaken.

Tito's regime believes that through the trial of General Mihailovich this faith of the Yugoslav people can be destroyed, and that in consequence they will abandon all hope of the restoration of democracy in Yugoslavia. It is further reasoned that the trial of Mihailovich will teach those caught behind the "iron curtain" to forget their interest in Western Civilization in favor of the march of Communism.

This second aspect, more important for Moscow than the case of General Mihailovich, goes beyond the personality of the General. It gives the trial great international significance and shows its bearing on the already strained relations between Soviet Russia and the Western Democracies. The fact that Tito spent two weeks in Moscow just before the opening of the trial indicates that Mihailovich's trial is not the exclusive concern of Yugoslavia. It is even more significant that Tito was accompanied on this visit not by his Foreign Minister, as is customary, but by the Minister of Police and the OZNA, Alexander Rankovich, who presumably was on hand to arrange all the details for the present trial in Belgrade.

No matter what confessions Mihailovich may be forced to make, the people of Yugoslavia -- especially the Serbs -- will not let themselves be deceived by this trial. They know that the real crime of which General Mihailovich is accused, in Col. McDowell's words, is that

> "in the minds of 80 per cent of the Yugoslav population, he became and remains the symbol of the simple, sturdy Yugoslav peasant resistance to tyranny, whether foreign or domestic".

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His Excellency Constantin Fotitch represented Yugoslavia in the Council of the League of Nations and, from 1935 to 1944, was first Minister and then Ambassador of that country to the United States. Mr. Fotitch is himself on trial "in absentia", by the Court described in this article, on the charge of conducting propaganda for Mihailovich.

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Not Merely Gossip *A Supplement to* Human Events VOL. III, NO. 26

By Frank C. Hanighen June 26, 1946

Last week, there was an unpublicized crisis in Washington. While the nation waited impatiently for Joe Louis and Billy Conn to enter the ring, and while the greatest civic interest manifested by the public was in the dismantlement of the OPA, a war scare hit the Government. In the Joint Chiefs of Staff, Navy, War and State Departments, grave conferences were held. Perhaps some traders on the Stock Exchange did not overlook this foreign situation in the selling wave which struck Wall Street.

This crisis is described as the worst since March, when the War Department, privately and hastily, sent a general by plane to alert European garrisons. Last week's excitement arose from reports of reinforcement of Russian troops in Eastern Germany, qualitative improvement of Russian forces in Silesia, sending of additional Yugoslav forces to the Venezia Giulia area and arrival of war supplies in Eastern Germany and Yugoslavia. The return of Marshal Tito from a visit to Moscow seemed also significant. Some thought that a Yugoslav assault on Trieste was probable. Others went so far as to speculate whether Russia would also attack from Eastern Germany, or would simply let Tito try his hand alone -- if he succeeded, well and good; if he did not, Russia could offer its services as arbiter.

Britain took the signs and portents more seriously than did the United States. General Morgan asked for additional American troops. But Washington, after some consideration, declined on the ground that the few American units available could exert no decisive influence on the military situation and might, on the other hand, have a discouraging effect on the peace meeting in Paris. But the British did dispatch one of their armored divisions to the Trieste area, bringing the total number of Allied divisions to three (two British, one American). Also, some 80,000 Poles were deployed between Venice and Trieste. These came from the pool of Polish forces, which in Italy are all concentrated, significantly, in the Po Valley. General Morgan made it plain that he was prepared to fight offensively as well as defensively if attacked.

Alarm subsided in a few days. Reports had come in indicating that while some Russian divisions had been moved to the West others had returned to Russia. The immediate seriousness, therefore, of the situation was finally discounted. In Washington it was concluded that Russia does not want hostilities in Europe, only a "war of nerves".

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The first real step to oust Communists and fellow travellers from the State Department was taken June 22 in the Senate. That body attached to the State Department Appropriations Bill an amendment giving Secretary Byrnes authority to discharge any employee regardless of civil service regulations. And none too soon. A few weeks ago a high official in the Government said to the writer of this column: "The Government is honeycombed with Communists and fellow travellers".

By this amendment, Byrnes' hands are freed from red tape which has too long delayed -- or perhaps served as an excuse for delaying -- a purge. But the Secretary will have to use a big broom, because reliable sources say that not one of the Communist sympathizers whose names were revealed to Truman by Mackenzie King last winter have left their Government posts. Also the task is only beginning, for these subversive elements are strongly entrenched not only in State, but in the War Department and the new Intelligence Service.

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General Chennault, former head of China's Flying Tigers, is soon to go to

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China to organize an air line for carrying food to distressed famine areas, according to the New York Times (June 10). The Times did not mention, however, that one of the primary objectives of the Chennault mission will be to drop food packs to Nationalist garrisons besieged by the Communists. This task is of great importance, as some of these forces have had to capitulate because of starvation. It is understood that already the Chennault air line has assembled 15 large planes in Nationalist territory, together with American-trained Chinese crews. This news about Chennault's plans is not surprising in view of his long friendship for the Nationalist cause. Since the project is obviously of a semi-military nature, there is some speculation as to whether the Flying Tigers may not be revived to aid Chiang Kai-shek in his struggle with the Communists.

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Newspaper readers and radio listeners should beware, for these are "thumb-sucking" days in editorial sanctums. When the tickers are bare of "hot news", writers figuratively (it is an old newspaper expression) "suck their thumbs", looking for something to write about. Primary results in various states offer easy, all too easy, relief for this anguishing plight.

For commentators are prone to read too much into the results of these electoral contests. A certain member of Congress wins in the primaries of a certain constituency; and lo! it is interpreted as a victory of "isolationism" over "internationalism". Often it is nothing of the sort.

Thus the defeat of Senator X several years ago was attributed by seers, moved by the necessity of turning out copy, to the Senator's "isolationist" views. A more realistic explanation was that the Senator's wife had divorced him and remained in the State, an inspiration for the self-righteous indignation of a somewhat puritanical community. To take another case, some liberally distributed road funds assisted an ambitious governor in replacing an incumbent Washington statesman; neither world nor national affairs had much to do with the vote. Hence, today, when a facile typewriter finger or an unctious radio voice professes to see in primary figures a "victory for isolationism", or an anti-PAC trend, or a pro-OPA "tide", etc. (or vice versa), the more prudent observers in Washington take their thumbs out of their mouths and firmly cross their fingers.

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It may not be of cosmic importance, but it deserves some mention that Professor Harold Laski -- according to reports from London -- has broken with his old friend Justice Felix Frankfurter of the United States Supreme Court. The not so important Labor Party figure is said to have recently been criticizing Frankfurter as a "reactionary". The relationship between Laski and Frankfurter has been warm and close for the past quarter of a century, but perhaps reached its greatest importance in the years preceding Pearl Harbor, when the latter is believed to have exerted considerable influence with President Roosevelt. Washington observers who know the two men believe that the present rupture had become inevitable because of Frankfurter's increasingly conservative policy on the Court. It looks like the end of a beautiful friendship.

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That troublesome Spanish problem may be substantially settled during the next few months, it is believed by diplomatic circles. The British, according to reliable reports, have urged Franco and other elements in Madrid to take advantage of the summer "lull" to change the Government and make it acceptable at least to the western democratic chancelleries. Since the UN Security Council has rejected the Polish proposal, the pause will presumably last until the UN Assembly meets in September.

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A Governmental change might also be facilitated by the condition of the harvest. The crops are excellent, better than the normal average, and in happy contrast to the last four years of drought. With plentiful food reserves, the Spanish could move towards democracy with fair chances of success.

General Franco, it is said, would abdicate in favor of a military junta, which would prepare the way for establishment of a constitutional monarchy -- a course which anti-Franco elements in Spain, including Republicans, are said to approve. This solution, as a matter of fact, might have been reached last spring, if the Communists had not launched their international campaign against Franco. Providing their maneuvers do not again interfere, the chances of a peaceful change in Spain's Government are favorable.

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Russia's use of food as a weapon assumed additional importance in recent weeks when the question of Japanese fishing rights came to the fore. Fish ranks second only to rice at the top of Japan's food budget. Most of the fish in Japanese markets used to come from the banks off Kamchatka (Russian), Sakhalin (partly Russian) and the Kuriles (formerly Japanese). Roosevelt gave Southern Sakhalin and the Kuriles to Russia at the Yalta Conference. The cession of the Kuriles has often been criticized on military grounds, but now its economic aspects are drawing fire.

For Russia has forbidden the Japanese to fish off Kamchatka, Sakhalin and the Kuriles. This obstructive attitude forced the Four Power Council on June 12 to extend Japanese fishing rights to waters south of Japan. But the catch in these areas is small compared to that in northern waters. The Russian policy naturally complicates further MacArthur's plans for feeding Japan and restoring its economy.

Russian strategy in this respect is similar to that in Germany. There, Russia obtained control of the largest food-producing area of the country under the terms of the Potsdam Agreement. And the Allies in Germany, like MacArthur in Japan, are left with a swollen industrial population existing on near-famine rations. The political strategy, based on this economic setup, is obvious: to create an underfed and discontented population -- ripe for Communist agitation -- which the Western Powers would have difficulty in feeding and maintaining. The results are becoming more evident every day in Germany. In Japan the situation, while not immediately acute, may eventually pay dividends -- for Moscow.

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American troops in Germany may soon be accused of acting like Herrenvolk. An AP dispatch of June 7 reports a resolution by the four parties composing the Hessian advisory parliament protesting against American methods of requisitioning houses and apartments, stating that "hungry Germans are being driven out of their homes without any chance of finding a new roof over their heads"; and warning that continuation of this policy will have "ominous consequences for all efforts at democratizing and pacifying Germany". The Germans take special exception to the fact that no distinction whatever is made between Nazis and anti-Nazis and that no one is allowed to remove any personal belongings, even letters, from a requisitioned home.

Our Military Government officials seem to remain blind to the social effects of this billeting. In Wiesbaden, for instance, as many as four German families had been moved out of houses to make room for one American couple. In some cities which were 80 per cent destroyed by bombing and over-crowed with refugees from Eastern Germany, it is reported that our forces occupy more than one-quarter of the remaining habitation space, and the best accommodations at that. Such a policy may delay the necessary task of urban reconstruction. In a private letter, one woman writes that neither she nor her neighbors dare have their houses repaired "because as soon as they look habitable, the Americans will requisition them".

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Notes and Quotes

On the morrow of Gromyko's refusal of Baruch's atomic proposal, and on the eve of the ominous Bikini experiment, an article by Denis de Rougemont in Combat (Paris, May 21) offers a penetrating as well as witty spirituel contribution to the atomic discussion: "Our world of the middle Twentieth Century is governed by what is called the Big Three. They are composed of a wolf disguised as a sheep, and two sheep clad in their own skins. It is therefore in the name of the Little Father, of the Brave Blunt Fellow and of the Bourgeois Spirit that the Bomb must be administered. . . . Who does not share this impression: . . . that the Chiefs of State responsible for our fate are in reality irresponsible? . . . Irresponsible less by incapacity . . . than by the nature of the problem, which transcends them as the Bomb transcends everything. In the face of a world to be unified, they seem struck dizzy. They perceive nothing. This absence of thinking is more dangerous than any false thinking. But how can they think? They simply, practically, have not the time. Why? I see one simple reason. Because they govern their own countries, and that is enough, or even too much, for one man when the problem is global. The Bomb is an international problem which can only be solved on a planetary scale; well, these gentlemen are absorbed by local interests which we call national interests: Thirty visits a day, inaugurations, banquets and nominations. It is clear that to govern nations, the first requisite is not to be the head of a large State. . . . They [the Chiefs of States] see nothing, it is obvious, because the visions of the future are born from an intense leisure."

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The influence of HUMAN EVENTS continues to spread. Informants in High Places tell us that we are being quoted in the "restricted" Summary of Opinion Developments made available to policy-makers (at taxpayers' expense) by the Public Attitudes Branch of the Division of Public Liaison of the Office of Public Affairs of the Department of State. For purposes of simplicity, this publication is clothed in the abbreviated "alphabet title" of "SOD of PAB of DPL of OPA of DS" -- not to be confused with the naked OPA.

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"The war produced what I have ventured to call the Ten Thousand Commandments. In the transition period the thousands grow into myriads", remarks Dr. C. K. Allen, Professor of Jurisprudence at Oxford, in a scathing indictment of what he calls the Labor Party's "government by decree" (Sunday Times, June 2). Dr. Allen quotes Dean Roscoe Pound's warning against "administrative absolutism", and voices complaints familiar to those Americans who are at odds with "bureaucratic despotism". "The Supplies and Services Act, 1945, embraces an enormous variety of matters of 'production, distribution and exchange' -- in fact, the whole economy of the country. Power to legislate in this field is conferred upon Ministers in such vague and comprehensive terms that almost anything may fall within the Regulations, and they are virtually unassailable by any legal means of challenge. The public has not yet realized how revolutionary was this enactment, which is entirely consistent with some of the Labour leaders' long-declared policy of government by decree.

"Ex post facto legislation", Allen goes on to say, "is odious to our law, and to most civilized systems of law. Three decisions during the war held that an amendment to an Order might make penalties retrospective, in the sense that they might be much heavier at the time of prosecution than at the time when the offenses were committed. This is now accepted as a general principle of delegated legislation. We have not yet reached the point of making an act retrospectively criminal which was not criminal when it was done -- but who knows? . . . Does the ordinary citizen realize that he is being steadily stripped of the defenses which for centuries have stood between him and autocracy?"

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